

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA

v.

DARIN LEE MCALLISTER

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No. 3:10-cr-00138


Judge Nixon

ORDER

Pending before the Court is the United States' Motion to Dismiss Count 16 ("Motion"), in which the Government indicates that a dismissal without prejudice of Count 16 (the only one of nineteen counts on which there was a mistrial) would serve the ends of justice. (Doc. No. 108.) The Motion is hereby **GRANTED**, and Count 16 of the Indictment is **DISMISSED without prejudice**.

It is so ORDERED.

Entered this the 5th day of May, 2011.


JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT